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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
KELLY DARLING,)
)
Defendant.)

CR No. 09-0627 EMC

STIPULATION AND
ORDER CONTINUING HEARING DATE
AND EXCLUDING TIME

On December 16, 2010, the parties in this case appeared before the Honorable Edward M. Chen for a status meeting. Defense counsel stated that she would file a motion to dismiss. The Court set a briefing schedule in the matter and set argument on February 2, 2011. At that time, the parties agreed to an exclusion of time under the Speedy Trial Act from December 16, 2010 to February 2, 2011.

The defendant filed her motion on December 23, 2010. The Government conferred with defense counsel and discussed a possible disposition of the case with defense counsel. The defendant subsequently informed the Government that she would like to proceed with the motion. Accordingly, the Government and the defendant stipulate that the hearing be continued for a period of one week to February 9, 2011 at 3:00 p.m. before the Court. The Government

will file its opposition on February 2, 2011 and the defendant will file her reply on February 7, 2011.

The parties further stipulated that, as per the Speedy Trial Act, time should be excluded from February 2, 2011 to February 9, 2011. The parties represent that granting the continuance is necessary, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A) and (B)(iv). The parties also agree that the ends of justice served by granting such a continuance outweighed the best interests of the public and of the defendants in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

IT IS SO STIPULATED:

MELINDA HAAG
United States Attorney

DATED: 1/28/11

/s/
ACADIA L. SENESE
Special Assistant United States Attorney

DATED: 1/28/11

/s/
SHAWN HALBERT
Attorney for Ms. Darling

IT IS HEREBY ORDERED that the hearing is continued until February 9, 2011 and that time is excluded under the Speedy Trial Act from February 2, 2011 to February 9, 2011, under 18 U.S.C. § 3161(h)(8)(A) and 18 U.S.C. § 3161(h)(8)(B)(iv).

IT IS SO ORDERED.

DATED: 1/31/11

